**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH**

**AT HYDERABAD**

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.4678 of 2006

Dated: 13th June, 2006

Between:

G.Balaiah .. Petitioner

and

The District Collector,

Prakasam district at Ongole & others.

.. Respondents

**THE HON'BLE SRI JUSTICE C.V.RAMULU**

W.P.No.4678 of 2006

**ORDER:**

The petitioner is a Fair Price Shop Dealer of Shop No.11 of Markapur Town. It seems on the basis of a report purported to have been submitted by the fourth respondent-Mandal Revenue Officer on 16.11.2004, the third respondent-Revenue Divisional Officer issued a show cause notice on 17.11.2004 and thereafter cancelled the authorization of the petitioner by impugned order dated 13.12.2004 on the basis of the said report. Aggrieved by the same, petitioner filed appeal before the second respondent-Joint Collector and the same was also dismissed only on the basis of the report submitted by the fourth respondent. Against which, the petitioner filed revision before the first respondent-District Collector and even the said revision was dismissed by the first respondent basing on the said report.

It is the case of the petitioner that the report purported to have been submitted by the fourth respondent was not furnished to him in spite of his repeated requests made before the authorities. Therefore, the impugned order as confirmed by the appellate authority as well as the revisional authority suffers from violation of principles of natural justice and hence, liable to be set aside.

The learned Government Pleader, on instructions submits that it is true that the report of fourth respondent dated 16.11.2004 was not furnished to the petitioner and the petitioner also did not make any efforts in asking for such report in writing.



Be that as it may, it is an admitted fact that the report of the fourth respondent-Mandal Revenue Officer dated 16.11.2004 was not furnished to the petitioner and thus the petitioner was kept in dark. The impugned order dated 13.12.2004 passed by the third respondent-Revenue Divisional Officer as confirmed by the appellate authority-second respondent as well as the revisional authority-first respondent is violative of principles of natural justice and therefore, the same is liable to be set aside.

Accordingly, the impugned order dated 13.12.2004 is set aside and the matter is remitted back to the third respondent-Revenue Divisional Officer for fresh consideration. The third respondent shall furnish all the material including the report of the fourth respondent-Mandal Revenue Officer dated 16.11.2004 to the petitioner and shall also permit him to adduce oral or documentary evidence, if any, and

thereafter shall pass appropriate orders within a period of three months from the date of receipt of a copy of this order. Till such time, no permanent arrangements shall be made against Shop No.11 of Markapur Town.

The writ petition is allowed to the extent indicated above. No order as to costs.

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C.V.RAMULU, J

Date: 13.6.2006

Note:

C.C. in (3) days.

B/o

DA

**THE HON'BLE SRI JUSTICE C.V.RAMULU**

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13.6.2006